NO. 80-1625

MAY 27 1981

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1980

GRANITE INVESTMENT COMPANY, a Limited Partnership; JAMES C. GREEN; CAPITOL INDEMNITY CORPORATION, a corporation; and HOWARD STEELE CONSTRUCTION CO.,

Petitioners,

vs.

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, an agency of the United States of America,

Respondent,

vs.

PSL REALTY CO., a corporation, et al,

Respondents,

THE HON. CHARLES E. JONES; THE HON. JOHN M. KARNES; THE HON. GEORGE W. KASSERMAN, JR.; and all other JUSTICES OF THE ILLINOIS APPELLATE COURT FOR THE FIFTH DISTRICT; THE HON. VICTOR J. MOSELE, and all JUDGES OF THE THIRD JUDICIAL CIRCUIT OF ILLINOIS.

Respondents.

BRIEF OF PSL REALTY CO. IN OPPOSITION

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Attorneys for Respondent
PSL REALTY CO.

BRIEF IN OPPOSITION

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by entering an injunction preventing the parties before it and the Judges of the Illinois State Court System from further interfering with the District Court's exclusive possession of and jurisdiction over certain real property.

2. Whether principles of comity and federalism should be extended to render the injunction at issue erroneous.

OPINIONS BELOW

The Opinion of the court of appeals (Pet. App. A) is reported at 603 F.2d 515 (1980). The Opinion of the district court (Pet. App. C) is reported at 482 F.Supp. 77 (1979).

JURISDICTION

The judgment of the court of appeals was entered on September 12, 1980. A

petition for rehearing and rehearing en banc was denied on December 23, 1980 (Pet. App. B). The petition for writ of certiorari was filed by mailing on March 23, 1981. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT AND ARGUMENT

Respondent PSL Realty Co. ("PSL"), a wholly-owned subsidiary of Illini Federal Savings and Loan Association, is the fee-owner of record of all the real estate involved in the foreclosure action presently pending in the United States District Court for the Southern District of Illinois.

PSL, to avoid burdening this Court with additional argument, hereby adopts and incorporates by reference herein as its brief the Brief For The Federal Savings And Loan Insurance Corporation In Opposition.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

W. STANLEY WALCH
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Attorney for Respondent

May 26, 1981

NO. 80-1625

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1980

GRANITE INVESTMENT COMPANY, a Limited Partnership; JAMES C. GREEN; CAPITOL INDEMNITY CORPORATION, a corporation; and HOWARD STEELE CONSTRUCTION CO.,

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Respondents.

AFFIDAVIT

W. Stanley Walch, a member of the Bar of this Court, being first duly sworn, deposes and states that he has knowledge that forty (40) copies of Brief of PSL Realty Co. in Opposition To Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit in the above cause were enclosed in an envelope addressed to the Clerk of the Supreme Court of the United States, Supreme Court Building, Washington, D.C. 20544, with prepaid first class postage affixed thereto, and deposited in the United States mail at St. Louis, Missouri, on May 26th, 1981.

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Attorneys for Respondent
PSL Realty Co.

SUBSCRIBED and SWORN to before me this 26th day of May, 1981.

Heidi A. Klees

HEIDI A. KLEES
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES APRIL 22, 1985
ST. LOUIS COUNTY

NO. 80-1625

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Respondents.

CERTIFICATE OF SERVICE

W. Stanley Walch, a member of the Bar of this Court, hereby certifies that three copies of Brief For PSL Realty Co. In Opposition To Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Judicial Circuit was served on the parties named below by depositing the same in the United States

Mail at St. Louis, Missouri on May 26, 1981, in the envelopes plainly addressed as shown below, with prepaid first class postage affixed thereto:

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The above constitutes service on counsel for all parties known to be interested in

this cause.

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